

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 6, 2009**

Present: Commissioners Lythgoe, Weber and Kirsch; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road/Solid Waste Supervisor; Steve Marquis, Undersheriff; Jan Anderson, *Boulder Monitor/ Jefferson County Courier*; Jason Crawford, David Gallick, Marti Neff, Bob Marks, Frank Watkins, Barb Reiter, Linda Norden

CALENDAR REVIEW

- 1/07 Library Board - Clancy - 6:30
- 1/08 Tri-County Fire - 9:00
Elkhorn Working Group - 3:00
Weed Board - 6:00
- 1/12 Meeting re: Martinez Gulch - 9:30
- 1/13 Meeting with Maren Olsen - Denny Rehberg's office - 11:00

COMMISSION REPORTS

CLOSURE PETITION

Commissioner Kirsch reported that he and Joe Carter went to view the alley in Basin petitioned for closure on Monday morning.

SOUTH CAMPUS SEWER PROJECT

Commissioner Lythgoe reported on an e-mail received from Tara Mastel regarding the south campus sewer project. There is a potential for some funding to come forward from the federal stimulus package. Tara is suggesting that the entities involved fund the design of the project. Jeff from Stahly Engineering has calculated the following split based on flow percentages: Montana Department of Transportation \$1,720; Jefferson County shop \$980; Riverside \$1,425; Elkhorn Treatment Center \$6,530 and MDC \$3,015. Tara wants to move quickly on this. Commissioner Weber asked if Commissioner Lythgoe asked Tara if the cost would be redistributed if one of the entities decides not to participate. Commissioner Lythgoe said that he did not. Commissioner Weber asked if Jefferson County funded the original PER on this. Commissioner Lythgoe

answered that we did.

Commissioner Weber moved to grant \$980 to the design of the sewer and water system, from metal mines monies. Commissioner Lythgoe seconded. The motion carried.

CAPSTONE STUDENT

Commissioner Lythgoe reported on an e-mail from Rebecca Judd the County Health Nurse. Jefferson County has the opportunity for capstone student from Carroll College to work with Health Department. Rebecca is willing to do this, but needs the okay from the Commission and the Health Board before she can commit. Commissioner Weber moved to grant permission. Commissioner Kirsch seconded. The motion carried.

CORRESPONDENCE

GREAT WEST ENGINEERING

Task orders 33 and 34 from Great West Engineering, for possible RSID/RMD and RMD on Martinez Gulch and South Holmes Gulch, were presented for signature. Commissioner Weber signed the task orders.

SUBDIVISION REVIEW

PRELIMINARY PLAT REVIEW – TIMBERLINE RIDGE ESTATES MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this five-lot minor subdivision located east of Clancy. The parcel contains 10.55 acres, and is proposed to be divided into five lots ranging in size from 1.34 to 3.55 acres. The Clancy Fire District has sent a letter to the Planning Board noting that the proposed development lies within a forested area with a large amount of beetle kill trees, and the proposal contains no information relative to water sources or resources. Mike noted that there was also a request for a variance to allow the curve radius for the portion of the road lying within the proposal to fall below the County standard of 249 feet to a minimum of 125 feet. This is shown on the engineered stamped drawings submitted by Kadrmas, Lee & Jackson.

Mike stated that the developer has contacted the Clancy Volunteer Fire District Chief. The subdivision is located in an area of high fire risk, steel slopes, increased beetle kill timber and vegetation, so as a minimum mitigation measure the recommendation will be for either a dry hydrant to be installed by the developer which is to be located in the vicinity of the crossing of Warm Springs Creek by Woodland Park Loop road, or a cash-in-lieu of an expandable water supply facility in the amount of \$1,407.33.

Mike said that the Planning Board moved three to two to deny the subdivision because the density of the proposed subdivision, particularly Tract A and Tract B, is too high and should be combined. Mike recommended that preliminary plat approval be granted.

Commissioner Lythgoe asked Mike if he or anyone has talked to the Fire District as to what they would rather have; the money or a dry hydrant. Mike stated that initially the district had reservations about even signing the application. The planning department submitted a letter asking for acknowledgment of receipt of the application from the district. He interprets what is in the letter from the fire district that the subdivision has some site-specific issues and their request was primarily for water. Since then, they have not consulted with the district one way or the other; they didn't want to get into negotiations between the district and the developer.

Jason Crawford, Kadrmas, Lee & Jackson Engineering, stated that he has talked to Brent Farrell briefly a couple weeks ago. His thoughts were that a dry hydrant in this location could be a problem due to the elevation difference between the water and where the pump truck drafts it. Their thoughts are that a dry hydrant in this location might not even work. He also looked at another dry hydrant just a bit downstream, and suggested that maybe the cash-in-lieu payment could be used to upgrade that hydrant. Commissioner Lythgoe asked if Jason has seen the letter from the fire department. He hadn't, and a copy of the letter was presented to him.

Commissioner Weber asked Mike if he has a copy of the proposed covenants. Mike stated that he does. Commissioner Weber asked what the wording is in the covenants that the fire district has trouble with. It says that the provision to develop a defensible space around structures is entirely optional. It appears from the language in the preliminary plat that they "will", but it is also contingent upon a covenant. Mike stated that the only covenant that he can tell regards fire protection is covenant I, which says that lot owners are encouraged to provide defensible space as a fire prevention measure around any structure constructed on the parcel. This was also a topic of discussion at the Planning Board meeting, and the board members would like to see lot are required to provide defensible space, rather than encouraged. Commissioner Weber asked if this has been presented to the developer so that he can consider changing that word. Mike said that this can be done.

Commissioner Kirsch said that he isn't clear what they are going to do about the water situation. Mike said that they will provide a hydrant, if possible. If the hydrant won't work in that area, then a cash-in-lieu payment will be required for development of a future water supply facility by the district.

Commissioner Lythgoe said that if he has a concern, it is that the letter from the fire district was written in October, it is now January, and it is the first time that the engineer has seen the letter. Barney Neff said that he tried to contact the fire district several times. He was told that letter had been sent to the Planning Board. He noted that there is another hydrant just down from this one.

Commissioner Weber moved to grant preliminary plat approval, contingent upon changing the word "encourage" to "require" defensible space. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

PUBLIC HEARING – PETITION TO CLOSE AND DISCONTINUE A PORTION OF CLANCY STREET

Commissioner Lythgoe called the public hearing to order. Viewers were appointed and have

submitted a recommendation. Joe Carter and former Commissioner Notbohm viewed the road and recommended that the petition be granted. Commissioner Lythgoe called for comments.

Bob Marks stated that he submitted this petition to allow the transfer of some property to the Clancy Fire District, which is adjacent. If this were abandoned it would constitute contiguous property and that could be added to the present Fire Department property through boundary relocation, thus avoiding the subdivision process. Commissioner Lythgoe stated that he has been there to look at the area. Bob presented a plat that shows the area, and explained the site.

Hearing no further comments, Commissioner Lythgoe closed the public hearing.

Bob asked that when the Commission abandons a street, if it is their practice to give a quit-claim deed to either party. Commissioner Lythgoe stated that it is not. Commissioner Weber explained that if there are two adjoining property owners, the road is split down the middle and it is divided between the adjoining landowners.

PUBLIC HEARING – PETITION TO CLOSE AND DISCONTINUE THAT PORTION OF THE ALLEY IN BLOCK 14, BASIN

Commissioner Lythgoe read the viewer's report recommending that the petition be granted. He then called for comments.

Frank Watkins stated that the property benefits no one but the Cataract Fire Department.

Commissioner Weber stated that Ed Betka called him the previous day. It is Ed's intention to donate this property to the Cataract Fire Department.

Hearing no further comment, Commissioner Lythgoe closed the public hearing.

REQUEST FOR OFFICE SPACE FOR PUBLIC SERVICES – HORIZONS RESOURCE COMMITTEE

Commissioner Kirsch stated that Kathi Bond said that the only available place that she could think of is the space off of the annex conference room. This room really wouldn't be suitable however.

Jan Anderson said that she is on the same committee. They are supposed to be doing some research on the availability of office space elsewhere in town. Barb and Linda arrived at that time. Barb stated that as the Commission is aware, they have been looking for a space to allow human service providers to meet with clients in Boulder. The potential to have some space in the new Commission offices had previously been discussed, but the expansion project has been tabled for now. At their last meeting they discussed options, and one option was that the County rent the space. They have identified several possibilities and are working on contacting the lessors and getting prices. The committee sees this as a crucial need, especially during the recent economic down-turn. Commissioner Lythgoe asked how receptive these agencies are to coming back on a part-time basis. Barb noted several agencies that are willing, but they really can't move forward

until they have a space available. Linda stated that the committee is willing to set up the space and have several pieces of office furniture/equipment. They are also looking at a grant to provide a Vista volunteer that could man the office and at least be able to make the connections between people needing services and the providers, and help people with filling out paperwork, etc. There is no guarantee that they would get the grant, but Boulder is an alumnae community for Horizons now, so there is a greater opportunity to get grants, and the Northwest Area Foundations is willing to help them look for grants and possibly fund some of these programs. However, having a space is the first step.

Commissioner Weber asked if Job Service is having difficulties with using the annex basement. Barb stated that one problem is that the basement isn't really handicap accessible and it isn't confidential. As Linda said, Boulder is a model community for Horizons, and this is a vital issue for the community. The emphasis for their Horizons group was addressing poverty.

Commissioner Weber said that the proposed expansion would have made this very easy, however the expansion project is currently off of the table. Their support, however, is still on the table. He does have a problem with the county renting a space with no guarantee that anyone will use it. Commissioner Weber suggested that they contact Cathy Bond, Facilities Manager, for the availability of surplus office equipment and/or furniture.

Commissioner Kirsch asked what the people at the dollar store are asking for their space. Linda said that she thinks they are asking \$600/month, but someone told her that another business is moving in there.

Commissioner Lythgoe stated that he agrees with Commissioner Weber; it seems foolish for us to rent a space before we know that anyone will actually be using it. Commissioner Weber asked if there would be any want to get some sort of agreement from the agencies in question that they will come if the space is available. Barb said that they have had conversations with some of the providers and a number of them seemed open, but they didn't commit. Linda stated that they will continue to work on getting a commitment from the agencies and getting the space furnished. She said that it would be wonderful to get a grant to staff the office full time, to make appointments and contacts. She feels that the agencies would also appreciate this, so that they know that when they come to the office someone will be there.

Commissioner Kirsch noted that there are a couple offices in the basement of the Methodist fellowship hall. Linda said that this has been discussed, but the committee feels that it would be better if the facility were not associated with a religious facility. Commissioner Kirsch asked about funding utilities – phone, etc. Linda said that this is something that will need to be decided. The grant could possibly fund this, or the committee has funds to pay for possibly a year.

ELECT VICE-CHAIR OF THE COMMISSION

Commissioner Kirsch said that it would be good if Commissioner Weber were vice-chair, as it would give him some time to figure things out. Commissioner Kirsch nominated Commissioner Weber. Commissioner Lythgoe called for nominations to be closed and called for a vote. Commissioner Weber was appointed vice chair.

APPOINT COMMISSION LIAISONS TO COUNTY BOARDS

Commissioner Lythgoe stated that everyone has a list in their packet. The easiest thing to do would be to assign Commissioner Notbohm's board to Commissioner Kirsch. A discussion followed and assignments were made to the boards.

RESOLUTION 01-2009 SETTING MEETING DAY OF BOARD OF COUNTY COMMISSIONERS

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 01-2009

SETTING MEETING DAY FOR BOARD OF COUNTY COMMISSIONERS

WHEREAS, the governing body of the County will, by resolution, establish a regular meeting date and notify the public of that day; and

WHEREAS, the governing body of the County, except as may be otherwise required of them, may meet at any time for the purpose of attending to County business; and

WHEREAS, the Board of County Commissioners of Jefferson County, Montana has determined that every Tuesday at 1:30 p.m. is the best time for their regular meeting for the purpose of conducting it's official business, and

WHEREAS, it was further determined that claims would be approved every Tuesday morning at 10:00 a.m. and that the Commission will meet with the Road/Solid Waste Supervisor for departmental updates at that time also.

NOW, THEREFORE, BE IT RESOLVED, that every Tuesday at 1:30 p.m. of each week will be the regular meeting date and time, effective the 6th day of January 2009, and that every Tuesday at 10:00 a.m. of each week will be the time set for claims approval and Road/Solid Waste updates. Roberts Rules of Order shall be adhered to at these meetings, and professional speech will be used by the Commission in talking with and about each other, employees, board and the general public, and that there will be no claim of criminal activity by anyone, unless they have been convicted of said criminal activity.

BE IT FURTHER RESOLVED, that the policy providing for public participation in public meetings as stated in Resolution 05-2004 will be continued.

DATED this 6th day of January, 2009.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 02-2009 DESIGNATING CLASS OF COUNTY

Commissioner Lythgoe read the resolution as follows:

**RESOLUTION 02-2009
DESIGNATING CLASS OF COUNTY**

WHEREAS, § 7-1-2112, MCA, states that the Board of County Commissioners must yearly make an order designating the class to which the county belongs, as determined by the taxable valuation; and

WHEREAS, § 7-1-2111 (b), MCA, states that all counties having a taxable valuation of \$30 million or more and less than \$50 million are Second class counties; and

WHEREAS, the taxable valuation for Jefferson County for fiscal year 2009 is \$31,651,501;

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of County Commissioners hereby designate Jefferson County as a second class county.

DATED this 6th day of January, 2009.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

January 6, 2009 minutes.wpd

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 03-2009 ESTABLISHING OFFICE HOURS

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 03-2009

RESOLUTION ESTABLISHING OFFICE HOURS

WHEREAS §7-4-102, MCA, states that, unless otherwise provided by law, each officer shall keep the officer's office open for the transaction of business during the office hours determined by the governing body; and

WHEREAS, the commission has consulted with the elected officials to determine their office hours;

NOW, THEREFORE, BE IT RESOLVED, that all Jefferson County offices shall be opened between 8 a.m. and noon and 1 p.m. and 5 p.m. with the following exceptions:

| | |
|--------------------------|---------------------|
| County Attorney's office | 9 a.m. to 5 p.m. |
| Treasurer's office | 8 a.m. to 5 p.m. |
| Sheriff's office | open 24 hours a day |

DATED this 6th day of January, 2009.

ATTEST:

BONNIE RAMEY

January 6, 2009 minutes.wpd

TOMAS E. LYTHGOE, CHAIR

CLERK AND RECORDER

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Kirsch moved to adopt the resolution. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER